the Final Rule, FRA expressed its goal of assuring workers' safety.'' APL states that ''the combination of very low speed, a movement dampening surface, and derails in close proximity to cars that are standing still will limit travel to not more than 5 feet after derailment which is well within FRA's goal to: assure that rolling equipment will not travel more than 50 feet after derailment.''

APL states that ''the waiver sought by APL will allow construction a modern and efficient rail yard as part of an intermodal facility at the Port of Seattle. By operating with a reduced distance for blue lights and derail devices, APL will be able to fit the yard to the property available. This project will substantially increase the amount of rail business at the Port and in the region. Shorter train movements in the yard will also reduce air emissions in the Port, thereby reducing harm to the environment.''

Issued in Washington, D.C. on April 25, 1995.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 95–10580 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–06–P

Petition for Exemption or Waiver of Compliance

In accordance with title 49 CFR sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received from the Port Authority Trans-Hudson Corporation (PATH) requests for waivers of compliance with requirements of Federal rail safety standards. The petitions are described below, including the regulatory provisions involved and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number LI–94–1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received within 45 days of the date of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Port Authority Trans-Hudson Corporation [Waiver Petition Docket Number LI–94–1]

The Port Authority Trans-Hudson Corporation (PATH) seeks a permanent exemption from the requirement of installing and maintaining event recorders on each of its multiple unit (MU) electric cars, as required by Title 49 CFR Part 229. Section 229.135 requires that all trains operating over 30 mph be equipped with event recorders by May 5, 1995.

PATH operates a 13.8 mile rapid transit system between New Jersey and New York. Approximately one-half of the trackage is below ground level. Over 1,248 train movements per day carry approximately 199,000 passengers five days per week. Four major terminals and nine intermediate stations serve the closed system. Of PATH's total fleet of 342 cars, 260 would require event recorders. PATH has 10 different speed limits ranging from 8 to 55 mph with average speed over the system being approximately 20 mph.

In FRA Docket LI–81–9, the requirements of Title 49 CFR 229.117 were waived as they pertain to PATH. That section required that all locomotives operating over 20 mph must be equipped with a speed indicator. The requirement that each lead locomotive be equipped with a pilot, snow plow or end plate was also waived.

The petitioner cites that since they are excluded from the speed indicator requirements, then they likewise should be excluded from the event recorder requirements since speed is the most important of the recorded functions.

Port Authority Trans-Hudson Corporation [Waiver Petition Docket Number PB–94–2]

The Port Authority Trans-Hudson Corporation (PATH) seeks a permanent waiver of compliance with certain provisions of the Railroad Power Brake and Drawbars Regulation, Title 49 CFR Part 232. PATH is requesting an exemption from the requirement of conducting a rear car application and release test of the air brakes at stub end or intermediate terminals when changing operating ends on rapid transit passenger trains. Title 49 CFR Section 232.13(c)(1) states:

> At a point other than an initial terminal where a locomotive or caboose is changed, or where one or more consecutive cars are cut off from the rear end or head end of a train with the consist otherwise remaining intact, after the train brake system is charged to within 15 pounds of the feed valve setting on the locomotive, but not less than 60 pounds as indicated at the rear of a freight train and 70 pounds on a passenger train, a 20-pound brake pipe reduction must be made and it must be determined that the brakes on the rear car apply and release. As an alternative to the rear car brake application and release test, it shall be determined that brake pipe pressure of the train is being reduced as indicated by a rear car gauge or device and then that brake pipe pressure of the train is being restored as indicated by a rear car gauge or device.

PATH's MU electric cars utilize a dynamic brake through the propulsion system, an electropneumatic tread brake actuated at each wheel and a hand operated parking brake. During service braking the dynamic brake is fully effective down to 10 mph after which the friction brake is used to stop the car. An emergency brake application provides maximum braking effort by the electropneumatic system with the dynamic nullified.

PATH's present operation requires the FRA mandated initial terminal train air brake test when a train is first put in service or the consist is changed. At stub end or intermediate terminals where the engineer changes operating ends, no operation is performed that would interrupt the air lines. PATH states that should a failure occur that interrupted the flow of air on the train, the engineer, on changing ends and charging his train, would not get proper brake pipe pressure nor engineer's indication in his operating cab. This lack of indication advises the engineer that something is wrong and procedures are implemented to determine the source of the problem. PATH believes this indication circuit provides adequate and reliable protection in the event of a trainline failure, and performing a stub end or intermediate terminal air brake test is unnecessary. PATH estimates that compliance with Section 232.13(c)(1) would require 21 additional cars, 6 additional engineers and 6 additional conductors to maintain the present level of service due to the increased time required for the test.

Issued in Washington, D.C. on April 25, 1995.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

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BILLING CODE 4910–06–P

National Highway Traffic Safety Administration

[Docket No. 95–27; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1994 Volvo 945 GL Wagon Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1994 Volvo 945 GL Wagon passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1994 Volvo 945 GL Wagon that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 31, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 9:30 am to 4 pm)

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer No. R–90–009) has petitioned NHTSA to decide whether 1994 Volvo 945 GL Wagon passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1994 Volvo 940 GL Wagon. Champagne has submitted information indicating that the 1994 Volvo 940 GL Wagon was certified as conforming to all applicable Federal motor vehicle safety standards and offered for sale in the United States.

The petitioner contends that it carefully compared the 945 GL Wagon to the 940 GL Wagon, and found the two models to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the 1994 Volvo 945 GL Wagon, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1994 Volvo 940 GL Wagon that was offered for sale in the United States, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the 1994 Volvo 945 GL Wagon is identical to the certified 1994 Volvo 940 GL Wagon with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the 1994 Volvo 945 GL Wagon complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.- model taillamp assemblies; (d) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* Replacement of the passenger side rear view mirror, which is convex, but lacks the required warning statement.

Standard No. 114 *Theft Protection:* Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer; (c) installation of a U.S.-model